



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,723	02/09/2004	Deepak V. Ayyagari	J-SLA.1337	3841
55428	7590	04/02/2008		
ROBERT VARITZ 4915 SE 33RD PLACE PORTLAND, OR 97202			EXAMINER MURPHY, RHONDA L	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 04/02/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/775,723

**Applicant(s)**

Ayyagari, Deepak V.

**Examiner**

RHONDA MURPHY

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 2/9/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 1, 2 and 4-6 contain handwritten numerals. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1, 2, 4, 6 and 7 are objected to because of the following informalities:
3. In claim 1, line 3, a colon ":" is missing after the word "comprising".
4. In claim 2, line 9, a colon ":" is missing after the word "comprising".
5. In claim 4, line 2, a colon ":" is missing after the word "comprising".
6. In claim 6, line 12, a colon ":" is missing after the word "comprising".
7. In claim 7, line 5, a colon ":" is missing after the word "comprising".
8. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Garcia-Luna-Aceves et al. (US 2002/0067736 A1).

**Regarding claim 1**, Garcia-Luna-Aceves teaches a communication medium (TDMA channel, page 2, paragraph 42), and plural communication nodes operatively connected to said medium, and having transmission access thereto solely on the basis of time-slot transmission scheduling which is self-performed substantially autonomously by said nodes (page 2 -3, paragraph 42).

**Regarding claim 2**, Garcia-Luna-Aceves teaches a communication medium (TDMA channel, page 2, paragraph 42), and plural communication nodes operatively connected to said medium (page 2, paragraph 42), operable to transmit information over the medium in a collision-avoidance manner based upon a per-node, time-slot scheduling, access-control protocol which effectively operates continually in relation to a span of time that brackets the current moment, with that span encompassing an extent which includes currently knowable, prior, time-slot-scheduling history, along with future time-slot-scheduling intension (page 3, paragraphs 44-45).

**Regarding claim 3**, Garcia-Luna-Aceves teaches the network of claim 2 which is structured whereby nodal transmission of information is accompanied by nodal transmission of all then-current, future time-slot-scheduled nodal transmission intentions (page 3, paragraph 45; further described on page 4, paragraph 59).

**Regarding claim 4**, Garcia-Luna-Aceves teaches a communication medium (TDMA channel, page 2, paragraph 42), and plural, self-timing-controlled, participating communication nodes operatively connected to said medium and operable to gain transmission access to the medium based upon prior transmission-scheduling knowledge, along with future transmission deferential scheduling (page 3, paragraphs 44-45).

**Regarding claim 5**, Garcia-Luna-Aceves teaches the network of claim 4 which is structured whereby nodal transmission includes transmission of all then-current future transmission deferential scheduling (page 4, paragraph 45).

**Regarding claim 6**, Garcia-Luna-Aceves teaches a communication medium (TDMA channel, page 2, paragraph 42), and plural, self-timing-controlled, participating communication nodes operatively connected to said medium, each of said nodes being operable to gain collision-avoidance, transmission-communication access to said medium only on the basis of a precursor, self-established and designated, time-slot schedule for such transmission which is prepared deferentially with controlling reference to any then currently existing and previously established time-slot schedule that has been created by prior-transmitting, participating nodes (page 3, paragraphs 44-45).

**Regarding claim 7**, Garcia-Luna-Aceves teaches a transmission-medium access-control method practiceable by participating communication nodes that are network connected to such a medium (TDMA channel, page 2, paragraph 42), said method, from the point of view of each such node which anticipates the need to connect to the medium and to transmit data, comprising listening to network communication traffic

which contains node-transmitted data packets (page 3, paragraphs 44-45), each having a time origin of transmission and being associated, in the overall, current network traffic, with a then-contemporaneous report of future-scheduled, time-slot differentiated and time-dimensioned, specific nodal intensions for transmission access to the medium (page 4, paragraphs 59 and 61) , in view of that report, deferentially self-scheduling, in a collision-avoidance manner, at least one self-interest time-slot for its own next transmission, abiding by that self-interest schedule in terms of next seeking transmission communication access to the medium (page 4, paragraph 59), and on engaging in transmission in accordance with said schedule-abiding, associating that transmission with a new, then-contemporaneous schedule of all known, future-scheduled, transmission time-slot intentions (page 4, paragraphs 60-61).

**Regarding claim 8**, Garcia-Luna-Aceves teaches the method of claim 7, wherein said listening by a participating node is performed during a listening state which is defined for the node (page 3, paragraphs 44-45), said engaging in transmission is performed during a transmission state which is defined for the node, and said two states exist in mutually exclusive periods of time (page 3, paragraphs 44-45).

**Regarding claim 9**, Garcia-Luna-Aceves teaches the method of claim 7, wherein each nodal transmission includes an element of content data (page 4, paragraph 59-61), and another element which contains the mentioned then-contemporaneous schedule of future time-slot nodal transmission intentions (page 4, paragraph 59-61).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RHONDA MURPHY whose telephone number is (571)272-3185. The examiner can normally be reached on Monday - Friday 9:00 - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rhonda Murphy  
Examiner  
Art Unit 2616

/Rhonda Murphy/  
Examiner, Art Unit 2616  
/Huy D. Vu/  
Supervisory Patent Examiner, Art Unit 2616